

REMARKS

By this amendment, claims 1 and 4 are amended to more clearly describe the subject matter claimed by the Applicants. Support for the amended subject matter is found in the Specification, for example, at page 10, line 32 – page 11, line 20; and page 15, line 30 – page 16, line 5, for example. No new matter is added.

In view of the above amendments and following remarks, reconsideration of the application is respectfully requested.

The Office Action objects to the Title of the Specification. Applicants have amended the Title to provide a more descriptive Title. Accordingly, withdrawal of the objection to the Title is respectfully solicited.

The Office Action rejects claims 1 – 6 under 35 U.S.C. 103(a), as being unpatentable over Kawami et al. (U.S. 5,867,626). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim features. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Applicants' independent claim 1 recites: a recording and reproducing device comprising: an extracting unit for extracting audio data and video data in DIF blocks from an incoming DIF stream; a data reconstruction unit for detecting identifiers of the DIF blocks in the incoming DIF stream, extracting, from the DIF stream, leading predetermined number of bytes of header DIF block, leading predetermined number of bytes of sub-code DIF block, a video auxiliary DIF block, and leading identifier and audio auxiliary data of audio DIF block, and reconstructing the extracted data as reconstructed system data; a recording and reproducing unit for recoding and reproducing said audio data as extracted by said extracting unit, said video data as extracted by said extracting unit and said system data as reconstructed by said data reconstruction unit respectively in an audio data area, a video data area and a system data area, which are separately allocated in a recording medium, in units of a predetermined data amount; and a combining unit

for replacing said audio auxiliary data contained in said audio data by said audio auxiliary data contained in said reconstructed system data when combining said audio data, said video data and said reconstructed system data as reproduced by said recording and reproducing unit, wherein, upon carrying out a postrecording process of said audio data, the recording and reproducing unit rewrites said audio data of the audio DIF block recorded in the audio data area and said audio auxiliary data recorded in the system data area.

Applicants' independent claim 4 recites: a recording and reproducing method comprising: extracting audio data and video data in DIF blocks from an incoming DIF stream; detecting identifiers of the DIF blocks in the incoming DIF stream, extracting, from the DIF stream, leading predetermined number of bytes of header DIF block, leading predetermined number of bytes of sub-code DIF block, a video auxiliary DIF block, and leading identifier and audio auxiliary data of audio DIF block, and reconstructing the extracted data as reconstructed system data; recoding and reproducing said audio data as extracted, said video data as extracted and said system data as reconstructed respectively in an audio data area, a video data area and a system data area, which are separately allocated in a recording medium, in units of a predetermined data amount; and replacing said audio auxiliary data contained in said audio data by said audio auxiliary data contained in said reconstructed system data when combining said audio data, said video data and said reconstructed system data as reproduced, wherein, upon carrying out a postrecording process of said audio data, said audio data of the audio DIF block recorded the audio data area and said audio auxiliary data recorded in the system data area are rewritten.

Kawami is directed to data grouping circuit for digital/audio data to enable interlacing analog signals with digital signals. Video and audio data is recorded onto a medium by converting the audio signal to a digital signal. The converted audio signal is thereafter signal processed 304 with error encoding to the output circuit 302. See col. 9, lines 29-65. A modulation and demodulation circuit 307 modulates the recorded signal and upon proper error correction/decoding, the video signal is converted to an analog signal. See col. 10, lines 18-22.

As disclosed in FIGS. 10 -17 and discussed in Kawami, all of the processing is done at or contemporaneous with the recording process. Accordingly, Kawami contains no disclosure of at

least a postrecording process as claimed by the Applicants.

Specifically, as recited in claim 1, for example, and also similarly stated in claim 4, the particular features that a data reconstruction unit for detecting identifiers of the DIF blocks in the incoming DIF stream, extracting, from the DIF stream, leading predetermined number of bytes of header DIF block, leading predetermined number of bytes of sub-code DIF block, a video auxiliary DIF block, and leading identifier and audio auxiliary data of audio DIF block, and reconstructing the extracted data as reconstructed system data; and upon carrying out a postrecording process of the audio data, a recording and reproducing unit rewrites the audio data of the audio DIF block recorded in the audio data area and said audio auxiliary data recorded in the system data area - are not disclosed or suggested by Kawami. In fact, by the Applicants' selection of these features, the postrecording process becomes more simplified than that taught or suggested in the prior art.

Therefore, Applicants respectfully submit that Kawami does not disclose or suggest all of the subject claimed in Applicants' independent claims 1 and 4. Thus, Kawami does not render obvious Applicants' claimed subject matter.

Claims 2 – 3 and 5 – 6 depend from claims 1 and 4. Accordingly, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

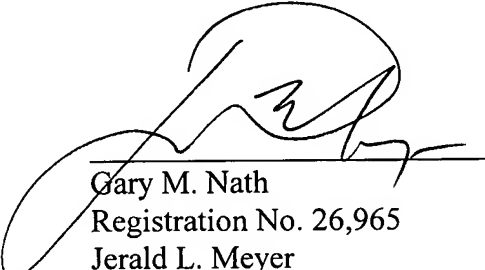
CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,
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